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## NOTE D'ANALYSE 39

### The EU High Representative's Declaratory Diplomacy

Declarations and Statements in the Post-Lisbon Era.

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# The EU High Representative's Declaratory Diplomacy

Declarations and Statements in the Post-Lisbon Era.

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## INTRODUCTION

Declaratory diplomacy is a staple of modern diplomacy. Issuing statements and declarations is meant to convey positions, show presence and engagement as well as to apply political pressure<sup>1</sup>. On the contrary of the traditional quiet diplomacy, declaratory diplomacy looks for and responds to its audience. In the European Union, the High Representative is in charge of the declaratory diplomacy.

Since the entry into force of the Lisbon Treaty, Catherine Ashton has become the first High Representative of the Union for Foreign Affairs and Security Policy. Being one of the voice and face of the EU and raising expectations as a perceived European Minister for Foreign Affairs, this job put her in the driving seat of the EU's Common Foreign and Security Policy (CFSP). However, difficulties remained. On the one hand, the nomination of Catherine Ashton generated loads of criticisms<sup>2</sup>. On the other hand, CFSP is still an intergovernmental policy where unanimity is the rule, despite the new legal powers. Indeed, as Petiteville pointed out in the early days of the Lisbon Treaty, without falling into the wrong trial that was brought upon her appointment for her lack of charisma and international diplomatic stature, one might wonder what Catherine Ashton may say on behalf of the EU when the latter has no particularly salient position to assert in a major crisis?<sup>3</sup> On the basis of Petiteville's questioning, the

1 F. Wesslau, *The Political Adviser's Handbook*, 79, Folke Bernadotte Academy (2013).

2 J. Howorth, *The 'News Faces' of Lisbon : Assessing the Performance of Catherine Ashton and Herman van Rompuy on the Global Stage*, (2011) 16 EFA Rev.

3 F. Petiteville, *Les mirages de la politique étrangère européenne après Lisbonne*, 51 Critique Internationale, 104 (2011).





aim of this research is to analyse what C. Ashton said during her tenure.

Indeed, during her five years term, the High Representative issued more than 1500 statements and declarations. This abundance contrasts with the pre-Lisbon period<sup>4</sup> and with the assumption that the High Representative has nothing to say. Therefore, our research question is the following one: What is the declaratory diplomacy of the High Representative?

Behind this general question, this paper is structured along four interrogations and sections. *Primo*, what is the nature of the High Representative's declaratory diplomacy? This section identified the different tools of the declaratory diplomacy, their different authors and processes. *Secundo*, what is the geography of the declaratory diplomacy? This section identifies the distribution of the declaratory diplomacy among the world's regions. *Tertio*, what are the motives driving the declaratory diplomacy? This third section investigates the eight motives for issuing a statement or a declaration. *Quatro*, what is the objective of the declaratory diplomacy? This section established a triple objective for the declaratory diplomacy.

The studied declaratory diplomacy is composed of the statements and declarations of the High Representative. Before the Lisbon Treaty, those CFSP statements and declarations were issued by the former High Representative / Council Secretary General and by the rotating presidency. While statements and declarations were not sufficiently dealt with contemporary scientific work, Vončina established an analysis of the pre-Lisbon declaratory diplomacy of the rotating presidency. She examined CFSP statements and declarations as an instrument of the CFSP and as a mirror of the CFSP. Her analysis suggests three findings. Firstly, the declaratory diplomacy is a single instrument of EU foreign policy. Secondly, statements and declarations are primarily aimed at expressing the EU's reaction to a particular event or situation in the international community in the framework of the CFSP. Thirdly, they reflect the *acquis politique*, as suggested by Regelsberger and Wessels<sup>5</sup>, but also the decision-making process

4 N. Helwig, P. Ivan & H. Kostanyan, *The New EU Foreign Policy Architecture : Reviewing the first two years of the EEAS*, CEPS Paperbacks 22 (2013).

5 E. Regelsberger & W. Wessels, *The Evolution of the Common Foreign and Security Policy. A case of an Imperfect Ratchet Fusion*, in *The European Union in the wake of the Eastern enlargement : Institutional and policy-making challenges* (A. Verdun & O. Croci eds., Manchester University Press, 2005).

in the framework of the CFSP and the ability to form a single voice<sup>6</sup>. On the basis of her works and framework of analysis, we investigate the post-Lisbon declaratory diplomacy. The purpose of this article is therefore twofold: firstly, to update Vončina's analysis to the post-Lisbon declaratory diplomacy, and secondly, to offer a quantitative cartography of C. Ashton's declaratory diplomacy.

This analysis takes into account all statements and declarations issued during C. Ashton's tenure. They are located on the EEAS website<sup>7</sup>. However, the numbers presented in the article may differ to the numbers on the website. Indeed, due to some fuzziness on the EEAS website, the statements were all re-organized in order to avoid duplication. Also speeches, press releases and nominations have been excluded. From January 2010 to October 2014, 1753 CFSP statements and declarations have been issued. All statements and declarations are sorted according to their nature, geography (region and country), motives and date. Those labels were identified according to the title of the statements and if necessary the text of the statements. In case of multiple possible labels, the most salient was picked. Besides the author analysis of the whole statements and declarations, two interviews were realised with EEAS and Commission Officials.

### THE NATURE OF THE DECLARATORY DIPLOMACY

This section identifies firstly the different tools of the declaratory diplomacy and their authors, and secondly the process of those instruments.

### THE TYPES OF THE DECLARATORY DIPLOMACY

In order to make use of her declaratory diplomacy, the High Representative possesses three tools at her disposal: the declaration of the High Representative on behalf of the European Union, the statement of the High Representative and the statement of the High Representative's spokesperson<sup>8</sup>.

6 T. Vončina, *Speaking with One Voice: Statements and Declarations as an Instrument of the EU's Common Foreign and Security Policy*, (2011) 16 EFAR Rev.

7 [http://www.eeas.europa.eu/statements/index\\_en.htm](http://www.eeas.europa.eu/statements/index_en.htm)

8 There is also a fourth type of statement: the local statement. The local statement refers to local events and follows the same process as the other statements. It worth mentioning that it is a separate instrument from the head of EU delegation's statement. As the heading does not mention the High Representative, they are not dealt



The differences between these three types of declaratory tools are the following.

The declaration of the High Representative on behalf of the European Union (declaration) is the successor of the former declarations by the presidency on behalf of the EU when the rotating presidency was representing the EU for CSFP before the Lisbon Treaty. As its predecessor, the declaration needs an agreement of all member states. Consequently, the declaration refers not only to the High Representative but to the EU as a whole. Besides, the declaration can also contain an alignment clause which allows certain states to align themselves with the agreed text among the member states. The aligned states are mostly European countries such as the candidate countries, the potential candidate countries or close Europeans partners of the EU. Given the aforementioned coordination process, those declarations are less frequent than the two others one.

On the contrary, the statements of the High Representative allow her to react quickly to a situation. Indeed, those statements require no coordination with the member states and only refer to the High Representative. However, as Helwig *et alii* pointed out, it is worth questioning if the subtle difference is acknowledged by external actors<sup>9</sup>. This statement is also both the successor of the statement of the presidency before Lisbon and of the former High Representative for CFSP.

The statements of the High Representative's spokesperson match the High Representative's statements, except that they are issued by a spokesperson. Indeed, according to an EEAS official, the EEAS tries to ensure that more statements of the spokespersons are issued in order to gain more impact for the High Representative's statements. Some subjects are even the preserve of the High Representative as the death penalty.

In the case of the statements, a distinction can be made between the CFSP statements and the statements relating to international fora. Although the EEAS does not distinguish those two, the latter corresponds to a press release after a meeting in the EU, in an international organization or in a third country but also after a phone call with foreign officials. Despite the diplomatic content and impact of the latters,

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in this analysis.

<sup>9</sup> N. Helwig, P. Ivan & H. Kostanyan, *supra* n.4, at 21.

these statements are considered as press release. Consequently they are not dealt within this analysis.

In addition to her own statements, the High Representative also issued joint statements with other international actors such as the European Commission, the president of the European Council, member states of the EU, third countries or international organizations. The European Commission is the main partner of those joint statements. Indeed, more than a 100 statements were issued with another member of the Commission. Štefan Füle, Commissioner for Enlargement and the Neighbourhood Policy, is the most frequently joint partner. Together with the High Representative, they issued statements concerning the Western Balkans (Albania, Kosovo, Serbia, Bosnia and FYROM), the Eastern neighbourhood (Ukraine, Moldova, Belarus, Georgia, Azerbaijan, Armenia) and the Southern neighbourhood (Morocco, Algeria, Tunisia, Libya, Egypt). However, despite the coherence of bridging the High Representative and the Commissioner in charge of the Neighbourhood Policy, such joint statements were not systematic when dealing with the mentioned countries. The Commissioner for Development, Andris Piebals, was the second frequent partner for joint statements. They issued some joint statements relating to African countries.

On a smaller scale, the High Representative issued joint statements, sometimes only once, with her other colleagues from the Commission. While some were in charge of an external portfolio, others dealt with internal competences with external implications. Those joint statements were either duo statements or group statements involving several commissioners and the High Representative. During her tenure, C. Ashton issued statements with the Commissioner for Trade; the Commissioner for International Cooperation, Humanitarian Aid and Crisis Response; the Commissioner for Home Affairs; with the Commissioner for Justice, Fundamental Rights and Citizenship; but also with the Commissioner for Maritime Affairs and Fisheries; the Commissioner for Industry and Entrepreneurship and the Commissioner for Economic and Monetary Affairs and the Euro. The president of the Commission made only once a joint statement with the High Representative.

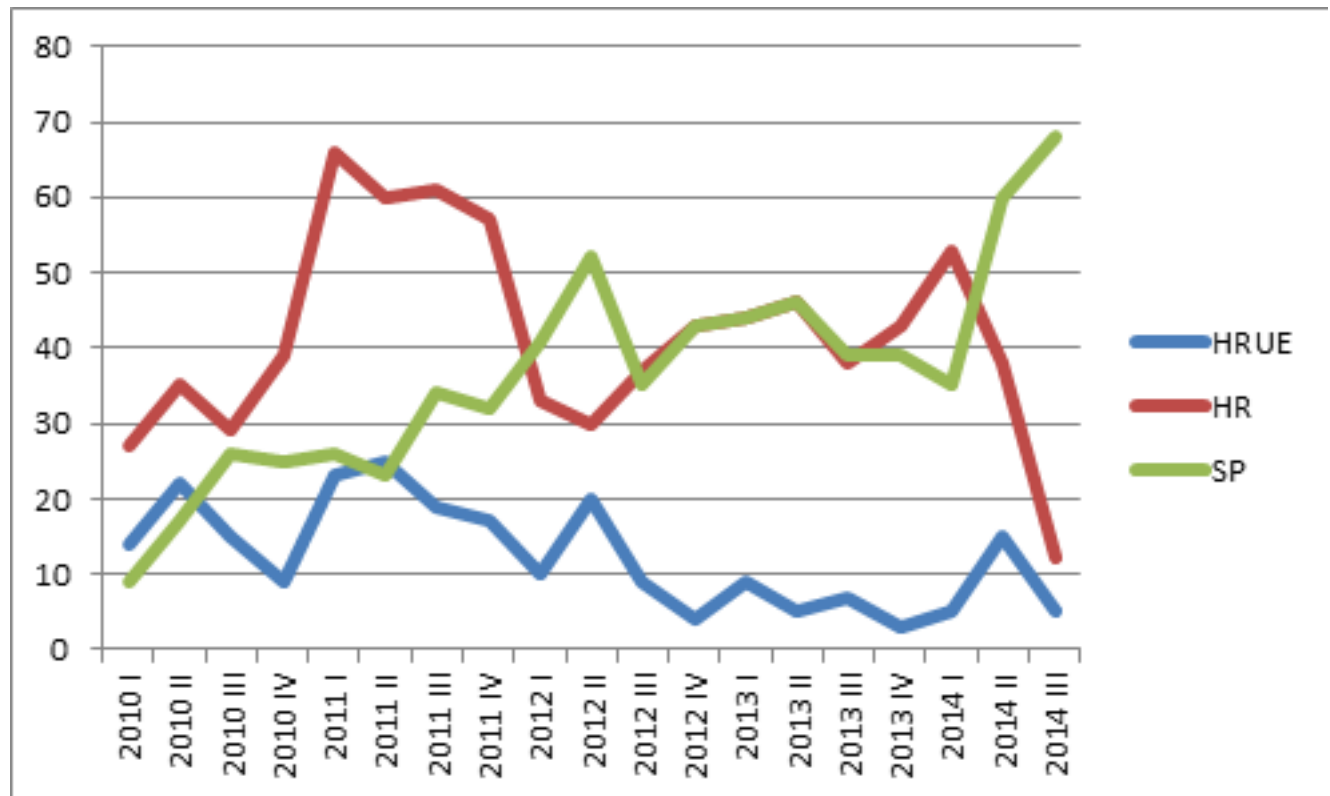
These joint statements with the European Commission put into practice the group of Commissioners for External Relations. Indeed, as the High Representative is in charge of the coherence of the Europe-



an external action, a group of commissioners dealing with external portfolios was set up. However, this group was not very effective. It met only five times and C. Ashton did not chair any of those meetings. Instead this role was taken over by the president of the Commission. Although the joint statements provide grist for the mill of the group of commissioners, they are not the result of the group strategy and somehow existed already before the Lisbon treaty. Besides, the non-systematic procedure when dealing with Neighbourhood or African countries and the scarcity of other joint initiatives reduce the effectiveness and the coherence of such moves. Moreover the scarcity of joint statements is indicative of the turf wars between commissioners and between the EEAS and the Commission's DGs, especially with DG Echo for which the principles of humanitarian action override the political diplomacy of the EEAS.

Besides the Commission, the High Representative issued two statements with the post-Lisbon triumvirate of the EU reuniting herself and the presidents of the Commission and of the European Council. She also issued one statement with the president of the European Council, one with France and the United Kingdom. Surprisingly, these joint statements did not always deal with major events of C. Ashton's tenure. But the scarcity of those statements reflects the early days of the Lisbon Treaty. As a Commission official pointed out, the process was not yet settled down. Then a routine emerged. The High Representative stops issuing statements with the presidents because according to the protocol the presidents are in charge of the Heads of State and Government level while the High Representative deals with the minister level.

Moreover, the High Representative co-signed statements with two foreign counterparts, namely the US Secretary of State and the Russian Foreign Minister. Finally, the High Representative issued joint statements with international organizations such as the UN, the Council of Europe, the African Union, the Arab League of States and the Organization of Islamic Cooperation.

Figure1: the High Representative's Declaratory Diplomacy during C. Ashton's term<sup>10</sup>.

Four remarks emerge from the figure above. First, the declarations are quite rare and are always less frequent than the statements, which inverses the pre-Lisbon trend<sup>11</sup>. Second, statements are frequently used by the High Representative. During the first two years, the High Representative's statements were more abundant than the spokesperson's ones. Then, from 2012 they follow *grosso modo* the same trend. Third, the declaratory diplomacy was not very used during the first year of C. Ashton's tenure. The year 2011 experiences a mushrooming of statements which is due to the setting up of the EEAS and the crises of the "Arab spring". Then, the trend is more stable until 2014. Fourth and final, the last months of C. Ashton's term showed a change of trend. The High Representative's statements dropped sharply while the spokesperson's statements skyrocketed. Indeed, from the spring 2014 C. Ashton chose to progressively stop issuing statements in order to provide a transition period for her successor. Hence, her spokespersons took over. During this period and especially after the appointment of Federi-

<sup>10</sup> January 2010 to September 2014. The last trimester being only made of October 2014 is not in the figure. The numbers are 4 HRUE, 2 HR and 26 SP.

<sup>11</sup> N. Helwig, P. Ivan & H. Kostanyan, *supra* n.4, at 21; T. Vončina, *supra* n.6, at 173.



ca Mogherini in late Augustus 2014, C. Ashton can be considered as a lame duck High Representative.

### THE PROCESS OF THE DECLARATORY DIPLOMACY

The process for issuing statements and declarations follows a bottom-up logic. It starts from an EEAS geographic bureau to the High Representative Office. First, a geographic bureau of the EEAS decides to issue a statement in order to react to an event in its related geographic area. On the basis of its information's, in most cases from the IntCen – the EU Intelligence Analysis Centre, located in the EEAS– or the EU delegations, the bureau proposes a project of statement to the Managing director of its geographic area and if necessary also to other Managing directors of transversal or geographic services. Second, the project is transmitted to a team specialized in statement inside the political coordination division. The function of this team is to facilitate the process and to ensure of the quality – coherence and unique language – of the declaratory diplomacy.

Third, the project is transmitted for adoption to the Corporate Board of the EEAS. The project is adopted by at least one of its member. Somehow a geographic/thematic distribution exists among the members of the Board. However, this distribution is not always clear. Fourth, the project is transferred to the High Representative Cabinet. There, the cabinet member in charge of the related geographic area endorses the statement. The final step depends on the type of statement. Being a statement of the spokesperson, the statement does not need the approval of the High Representative and is then issued directly. Being a High Representative's statement, the statement is send to her for approval. Finally, as a declaration, the project is send to the High Representative and to the 28 member states for approval via the COREU network<sup>12</sup>. In such cases, the EU delegations or the EU special representatives are sometimes involved in the process. The whole process takes at least one day. However, as some events can be planned such as elections or death penalty executions, the EEAS prepares drafts already endorsed by the hierarchy. The day of the event, the appropriate draft is updated and immediately issued. At the end of the process, the statement or declaration is published on the EEAS website. It is also

12 On the COREU see: F. Bichi & C. Carta, *The COREU Network and the Circulation of Information Within EU Foreign Policy*, *Journal of European Integration*, 34 (2012).

issued on social networks such as Facebook or Twitter, sent to the mail list of the High Representative's spokespersons and in some case announced during a press conference.

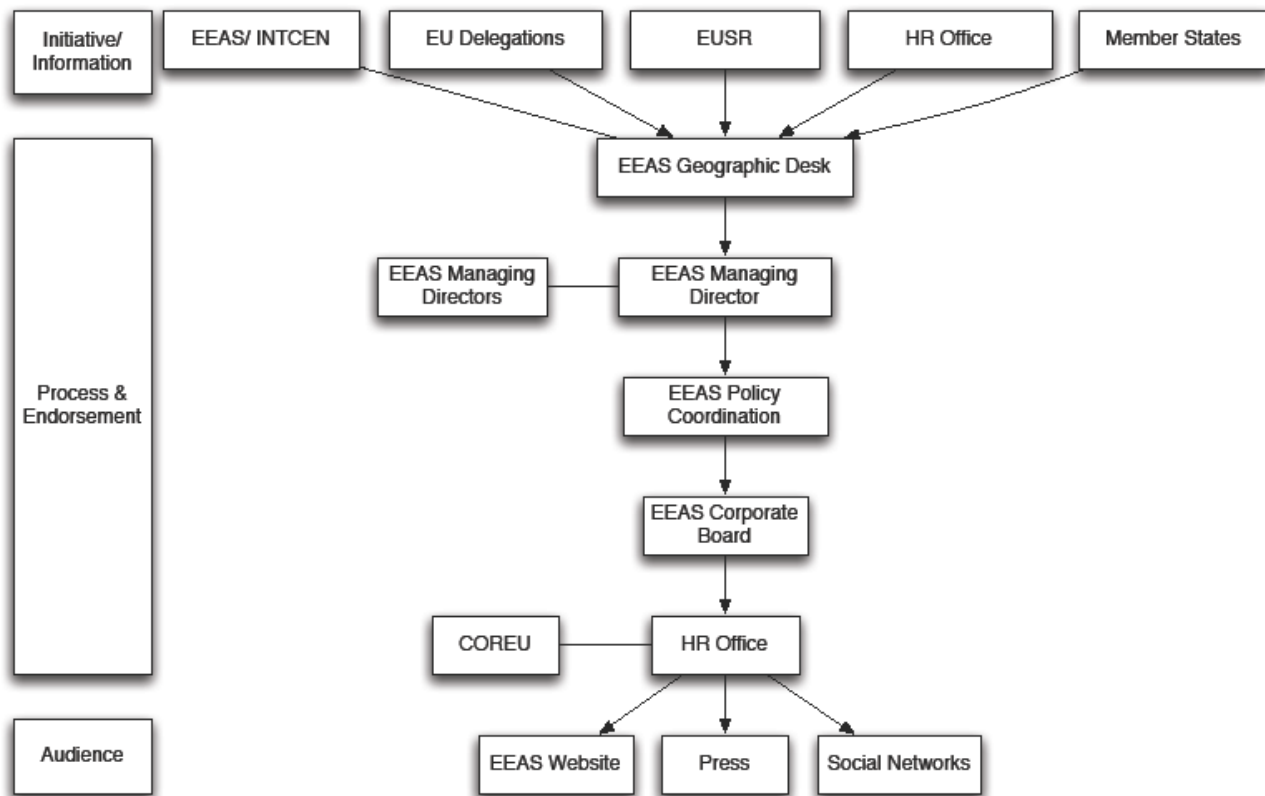
The choice between the three types of statements is made along the process and can change in case of an evolving situation. The three tools of the declaratory diplomacy have different diplomatic weights and are thus used accordingly. Two patterns emerge. On the one hand, a strong High Representative's statement is issued, and then the follow-up is carried out by spokesperson's statements. On the other hand, the strategy is progressive from a spokesperson's statements to a High Representative one or a declaration. The initiative of issuing statements is a result of the EEAS, the office of the High Representative, the EU Delegations or the EU special representatives. It worth noticing than about 30% of the declaration is following an initiative of the member states.

After taking office in November 2014, the new High Representative Federica Mogherini modified the process in order to be quicker. The slowness was due to need of the endorsement of the hierarchy. Besides, the question of who needed to endorse the statement was a headache for the unit in charge of the declaratory diplomacy. Indeed, according to the subject or geographic area, the unit had to choose the endorsers in the Corporate Board and between the EEAS managing directors. The new High Representative introduced a by-passing process. The responsibility of choosing the endorsers is now under the responsibility of the Managing director.





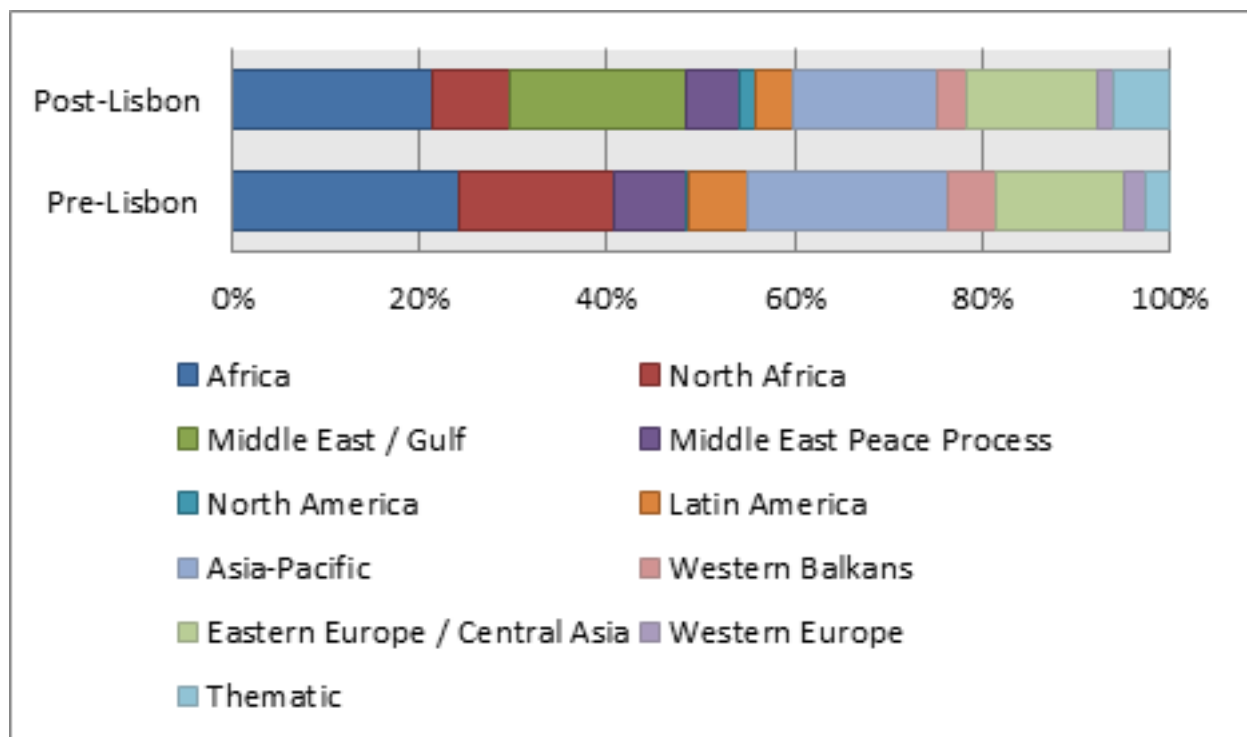
Figure 2: The process of the High representative declaratory diplomacy during C. Ashton's tenure



### THE GEOGRAPHY OF THE DECLARATORY DIPLOMACY

As the foreign policy of the EU, the declaratory diplomacy refers to various areas of work. In light of this heterogeneity, the table below classifies the statements and declarations according to the region to which they refer. Indeed, all statements and declarations are divided according to eight regions of the world: Latin America, North America, North Africa, Africa, the Middle East and the Gulf, the Middle East Peace Process i.e. Israel and Palestine, Asia and the Pacific, Eastern Europe and Central Asia, the Western Balkans, Western Europe including Turkey and finally a thematic category i.e. when there is no geographic relevance. This division corresponds with geographic bureaus within the EEAS.

Figure 3: Percentage of the declaratory diplomacy by regions during the pre-Lisbon (January 2005 – June 2009) and post-Lisbon eras (January 2010 – October 2014)<sup>13</sup>.



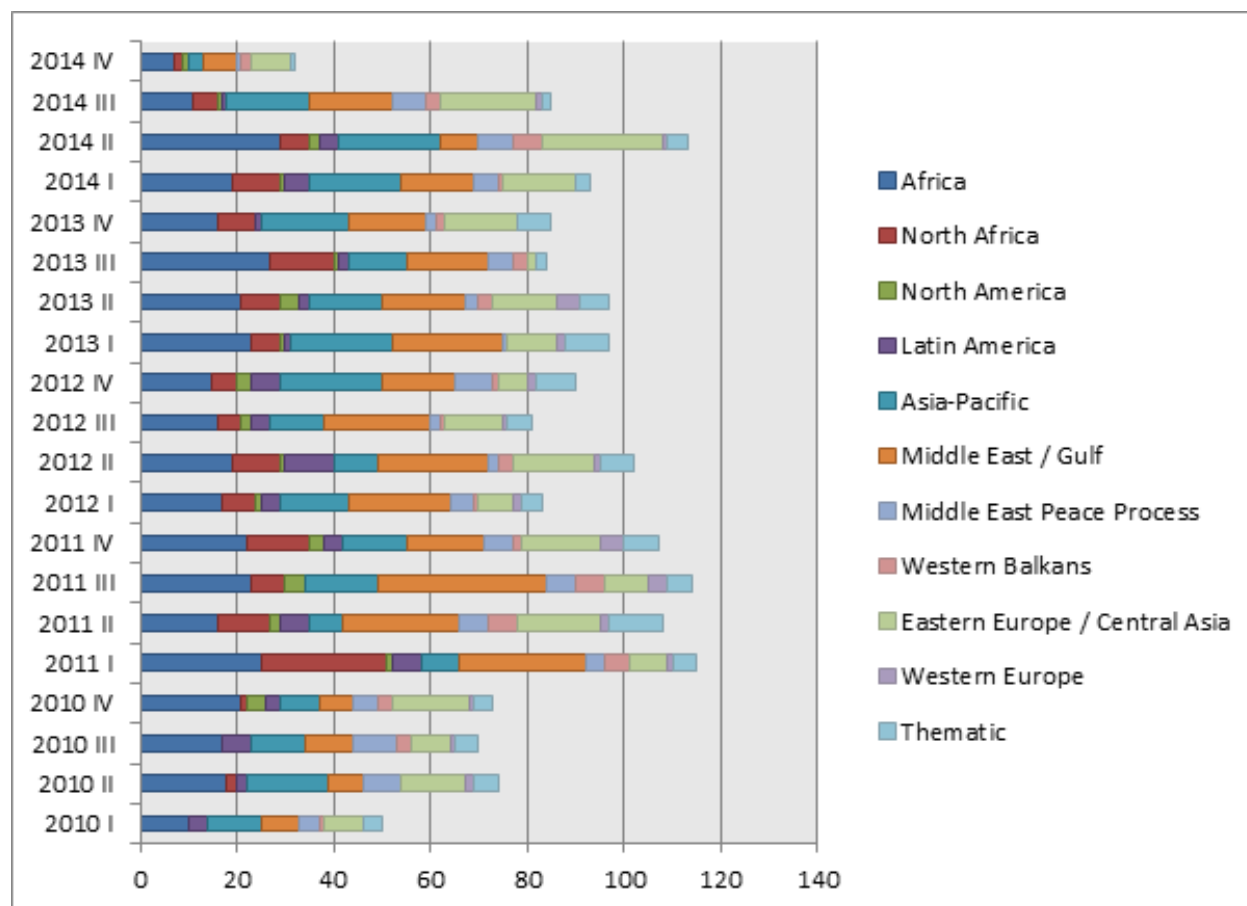
The analysis of the geography of the declaratory diplomacy arouses several remarks. First, in terms of geographic area, Africa is quantitatively the first region followed by the Middle East and the Gulf, Eastern Europe and Central Asia, Asia and the Pacific, North Africa, the Middle East Peace Process, Latin America, Western Balkans and North America. In relation to the declaratory diplomacy of the pre-Lisbon period<sup>14</sup>, the hierarchy between the regions did not change on the top and on the bottom. However, Asia and the Pacific have been outreached by the Middle East and the Gulf and by Eastern Europe and Central Asia. Indeed, as explained below, the crisis of the “Arab spring” in the south and in Ukraine in the east have triggered many statements and declarations which explains the rise of their regions in the quantitative ranking.

<sup>13</sup> For the pre-Lisbon era, North Africa is merged into the Middle East and Gulf region.

<sup>14</sup> T. Vončina, *supra* n.6, at 177.



Figure 4: The High Representative's declaratory diplomacy by region and by trimester.



The figure above highlights the geographic variation of the declaratory diplomacy by trimester. Two remarks pop up. On the one hand, it appears that the geographic distribution do not vary a lot. Trimester by trimester, the trend of each region appears stable. Furthermore, each region receives statements and declarations each trimester. There is no region disappearing in the table. On the other hand, three major variations occur matching the major international crisis between 2010 and 2014. First, the uprisings following the “Arab Spring” in North Africa induced a booming of the declaratory diplomacy in the first trimester of 2011 while the region was quantitatively of low importance before and also after these events. Second, following the “Arab spring”, the Middle East and the Gulf region skyrocketed in 2011 and then pursued a stable trend, mostly feed by the war in Syria. Third, in 2014 the Ukrainian crisis

led to a growth in the declaratory diplomacy concerning Central Europe and Central Asia. The ongoing crisis and the West-Russia confrontation about it fed this trend in 2014.

Then, a closer look to the geography of the declaratory diplomacy shows that statements and declarations concern no less than 130 countries in the world. Such empiric evidence acknowledges the international role of the EU and its willingness to spread an EU message to the world. The unmentioned countries are mostly the small states of the Asia-Pacific Region, of the Caribbean, small neighbours of South Africa and the Central American States<sup>15</sup>. The most surprising exceptions are Brazil, Australia and Turkmenistan. While the first two are partners of the EU, the latter is a close neighbour whose internal situation should deserve some EU interests<sup>16</sup>. Among those 130 countries, the most represented are the following ones. Together, they represent the half of the whole High Representative's declaratory diplomacy.

Table 1: Top countries of the High Representative Declaratory Diplomacy.

	Country			Country	
1	Syria	99	9	China	46
2	Israel/Palestine	97	10	Belarus	41
3	(South) Soudan	82	11	Russia	40
4	Iran	71	12	USA	34
5	Ukraine	71	13	Yemen	34
6	Egypt	69	14	Somalia	33
7	Iraq	65	15	Afghanistan	28
8	Libya	48	16	Mali	28

Two remarks arise from this table. On the one hand, most priorities concern crisis, conflict and wars. While the focus on the “Arab spring” crisis, Iran, Iraq, Afghanistan, Mali, Somalia and Israel/Palestine is part of the CNN issues, such quantitative priority for both Sudan's and Belarus are more surprising. On the other hand, in this top league, three countries are EU strategic partnership namely China, Russia

15 On the exception of microstates, the unmentioned countries are the follow ones: Australia, Belize, Botswana, Brazil, Costa Rica, Congo-Brazzaville, Equatorial Guinea, Guyana, Iceland, Jamaica, Namibia, Oman, Panama, Turkmenistan and Uruguay.

16 Human Rights Watch, *World Report 2014*, 503-510 (2014).



and the USA. A close analysis of the declaratory diplomacy concerning those countries would highlight the main drivers of such priorities<sup>17</sup>.

Moreover, as Vončina pointed out for the pre-Lisbon period, it is not possible to conclude that geographical areas located nearer to the EU are of greater importance than those areas that are more distant<sup>18</sup>. Furthermore, the link between the number of statements and declarations and the importance for the EU is difficult to establish. Indeed, the declaratory diplomacy is not the only tool of the EU foreign policy and so not the only indicator of priority. In fact, it might be considered that in some case the declaratory diplomacy is one of the few available tools when the structural foreign policy and the relational foreign policy are not more possible. Besides, a high number of statements and declarations may also hide incapacity of action on behalf of the EU. Hence, issuing a lot of statements and declarations can appear to be a loophole. Likewise, a low number of statements is not necessarily an indicator of no policy or no priority. There is a tension between the traditional diplomacy and the modern declaratory diplomacy. The latter is public while the former one is quiet. This tension reflects another tension of the EU foreign policy between the impact and the accountability and the transparency to the public opinion. In some case, the declaratory diplomacy is not advised because the targeted country does not want to be perceived as acting under pressure.

### THE MOTIVES OF THE DECLARATORY DIPLOMACY

After a survey of the geographic relevance of the statements and declarations and the identification of some target countries, one question still remains: what triggers the declaratory diplomacy? Vončina already identified six motives for issuing statements and declarations during the pre-Lisbon period<sup>19</sup>. On the basis of her findings, we propose eight reasons driving the High Representative's declaratory diplomacy. They are combined as follow : (1) the opinion of/ position on a current situation or event, (2), the position on Human Rights cases (3) the position on the situation before or

17 On China see : A. Feron, *The HR/VP and China : Assessing Ashton's Style*, 32bis Note d'analyse de la Chaire InBev-Baillet Latour UCL (2014).

18 T. Vončina, *supra* n.6, at 177.

19 T. Vončina, *supra* n.6, at 180-184.

after elections, (4) the reaction and condolences after terrorist acts, (5) the positive opinion on legal or political acts, (6) the notification of the alignment of Third States on the EU restrictive measures, (7) the position on the occasion of the various anniversaries, (8) the reaction to naturel disasters and others accidents.

*Primo*, the opinion of / position on a current event or political situation is the most frequent reason driving the High Representative's declaratory diplomacy. According to the table below, it represents more than one third of the whole statements and declarations. Those latters refer to crisis, conflicts, wars, unstable political situations, violations of the international law, acts stimulating one of those situations and acts threatening the international peace and security. Those issues are considered not in accordance with the principles advocated by the European Union and consequently perceived negatively or neutrally. The declaratory diplomacy referring to positive opinion has its own group. For example of such statements, on February 2011, the High Representative reacted on Egypt following the speech of President Mubarak and called for a transition to democracy<sup>20</sup>. On another case, in February 2013, she was concerned by the visit of Sudanese President Omar Al-Bashir to Chad despite the warrant issued by the International Criminal Court that the Chad authority voluntary failed to implement<sup>21</sup>.

*Secundo*, the position on the Human Rights cases: the thematic of Human Rights is the second motive driving the declaratory diplomacy. As for the pre-Lisbon period, it ranges from death penalty, political prisoners, human rights militants, freedom of the media to children in armed conflicts. While some statements and declarations deal with specific cases, other repeatedly refers to the same case. In those cases, the High Representative not only expresses the EU policy but also calls for attention to be paid to violations of international law, as well as respect for international legal obligations<sup>22</sup>. For example, she reacted several times to the execution of inmates in the USA and called for a global moratorium as a first step towards the universal abolition of the capital punishment<sup>23</sup>. On a less specific level, she re-

20 Statement by EU High Representative Catherine Ashton on Egypt following the speech of President Mubarak, 10 February 2011, ref: A051/11.

21 Statement by the spokesperson of EU High Representative Catherine Ashton on the visit of Sudanese President Al-Bashir to Chad, 21 February 2013, ref: A96/13.

22 T. Vončina, *supra* n.6, at 183.

23 E.a. : Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on the



acted to the general situation of the human rights of the LGBT in Malawi and called on the Government of Malawi to fulfil its obligations under international law to which it is a party<sup>24</sup>.

*Tertio*, expressing a position on the situation before or after elections represents the third most frequent motive for issuing statements and declarations. Those matters refer mostly to elections or referendums held in countries that, according to the EU, have unresolved issues or to which the international community devotes special attention. They also draw attention to the importance of elections and the expectation that they will be conducted correctly. In the aftermath of the election process, the High Representative express concerns about the electoral process, congratulations to the winners or also do not recognize the elections. For example, in June 2014 the High Representative did not recognize the presidential election in Syria<sup>25</sup> nor did she recognize several elections in the self-proclaimed republics of the frozen conflicts in the post-soviet space<sup>26</sup>.

*Quarto*, the reaction and condolences after terrorist acts constitute 11% of the declaratory diplomacy. In such cases, the High Representative reacts to suicide bombings, terrorist attacks, abductions or assassinations. Among those, terrorist acts in Iraq, Somalia, Afghanistan or committed by ISIL are the most represented. Some statements also concern EU member states and close neighbours. For example the High Representative reacted, in March 2012 to the murder in a Jewish School in France<sup>27</sup>, in May 2014 to the shooting at the Jewish Museum in Brussels<sup>28</sup> and in July 2011 to the killings at Utoya Island in Norway<sup>29</sup>.

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abolition of the death penalty in Maryland, USA, 2 May 2014, ref: 9212/13 P180; Statement by EU High Representative on the execution of Clayton Lockett in the US State of Oklahoma, 9 May 2014, ref: 140509/01.

24 Declaration by High Representative Catherine Ashton on behalf of the European Union on the human rights of LGBT people in Malawi, 21 May 2010, ref : 10103/10 P23.

25 Statement on the presidential elections in Syria, 4 June 2014, ref: 140604/03.

26 E.a. : Statement by the Spokesperson on the "presidential elections" in the breakaway region of Abkhazia in Georgia, 24 Augustus 2014, ref: 140824/01; Statement by High Representative Catherine Ashton on Nagorno Karabakh, 18 July 2012, ref: A333/12; Statement on the reported holding of local "elections" in Crimea, 15 September 2014, ref: 140915/01.

27 Statement by the Spokesperson of the EU High Representative on the murders at the Ozar Hatorah school in Toulouse, 20 March 2012, ref: A135/12.

28 Statement by the EU High Representative on the shooting at the Jewish Museum in Brussels, 24 May 2014, ref: 140524/02.

29 Statement by the High Representative Catherine Ashton on the killings at Utoya Island in Norway, 23 July 2011, ref: A295/11.

*Quinto*, the position on a legal or political act differs lightly from the Event group. Indeed, such statements and declarations react to a legal act such as the signing or the ratification of a treaty, the adaptation of constitutional amendments or a political act such as the formation of a new government, the adaptation of a roadmap for ending a transition period or an agreement between two countries. In all cases, the High Representative expresses a positive opinion on the event. For example, in March 2010, she congratulated Bangladesh for the ratification of the Rome Statute of the International Criminal Court<sup>30</sup> and in June 2014 she welcomed the first step of a negotiation between the Government of Colombia and the FARC<sup>31</sup>.

*Sexto*, statements and declarations announcing restrictive measures and the alignment of certain third countries are a small group of the declaratory diplomacy. On the one hand, the High Representative announces restrictive measure besides the publishing on the Official Journal of the European Union. On the other hand, the High Representative uses declarations to announce the alignment of certain third countries to the EU sanctions. The aligned countries are often the following ones: Croatia as accessing country; the candidate countries Turkey, Serbia, ARYM, Montenegro, Iceland; Albania as potential candidate country; the Western European neighbours such as Norway and Liechtenstein; and finally some Eastern European neighbours such as Georgia, Armenia and Moldova.

*Septimo*, statements and declarations presenting the position on the occasion of various anniversaries are also one of the least used motives of the declaratory diplomacy. In most of the cases, those latters present the EU's standpoint on the thematic of various anniversaries. The Holocaust Remembrance Day<sup>32</sup>, the World and European Water Day<sup>33</sup>, the International Day of the World's Indigenous Peoples<sup>34</sup>,

30 Statement by High Representative Ashton on the ratification of the Rome Statute of the International Criminal Court by Bangladesh, 26 March 2010, ref : A 41/10.

31 Statement by the Spokesperson on the announcement of a set of principles for discussing issues related to victims in negotiations between the Government of Colombia and the FARC, 10 June 2014, ref: 140610/02.

32 Statement by EU High Representative Catherine Ashton on International Holocaust Remembrance Day, 27 January 2013, ref: A42/13.

33 Declaration by the High Representative, Catherine Ashton on behalf of the European Union on the occasion of the World and European Water Day, 22 March 2011, ref: 8053/11 P77.

34 Declaration by High Representative Catherine Ashton on behalf of the European Union on the International Day of the World's Indigenous People, 9 Augustus 2010, ref: 12762/10 P224.





the United Nations International Day in Support of Victims of Torture<sup>35</sup>, the International Women's Day<sup>36</sup>, the International Day for the Elimination of Racial Discrimination<sup>37</sup> but also the second anniversary of the publication of the Report of the Bahrain Independent Commission of Inquiry<sup>38</sup>, the anniversary of South Sudan's independence<sup>39</sup> or the anniversary of the Declaration of Liberation in Libya<sup>40</sup> are among the examples.

*Octavo*, the reaction to natural disasters and other accidents represents, as Vončina pointed out, a specific set of statements, which are issued mostly when humankind is affected by floods, earthquakes, aircraft accidents and other disasters with a large number of victims<sup>41</sup>. Earthquake in Chile<sup>42</sup>, presidential Polish plane crash<sup>43</sup>, train derailment in India<sup>44</sup>, mudslides in China<sup>45</sup>, building collapse in Bangladesh<sup>46</sup>, landslide in Afghanistan<sup>47</sup>, Hurricane in North America<sup>48</sup> are among the examples. In such cases, the High Representative expresses condolences. These statements and declarations only represent 2% of the whole. Consequently this is the least used motive.

35 Declaration by the EU on the occasion of the United Nations International Day in Support of Victims of Torture, 26 June 2014, ref: 11379/1/14 P373.

36 Statement by EU High Representative Catherine Ashton on International Women's Day, 8 March 2013, ref: A124/13.

37 Declaration by the High Representative, Catherine Ashton, on behalf of the European Union on the occasion of the International Day for the Elimination of Racial Discrimination, 21 March 2013, ref: 7763/13 P128.

38 Statement by the Spokesperson of EU High Representative Catherine Ashton on the second anniversary of the publication of the Report of the Bahrain Independent Commission of Inquiry, 25 November 2013, ref: 131125/02.

39 Joint statement of the High Representative Catherine Ashton and Commissioner Andris Piebalgs on the first anniversary of the Republic of South Sudan's independence, 9 July 2013, ref: A314/12.

40 Statement by EU High Representative Catherine Ashton on the third anniversary of the revolution in Libya, 17 February 2014, ref: 140218/01.

41 T. Vončina, *supra* n.6, at 181.

42 Statement by HR Catherine Ashton on the earthquake in Chile, 27 February 2010, ref: A28/10.

43 Statement by European Union High Representative for Foreign Affairs and Security Policy Catherine Ashton on Polish plane crash, 10 April 2010, ref: A55/10.

44 Statement by High Representative Catherine Ashton on train derailment in India, 29 May 2010, ref: A94/10.

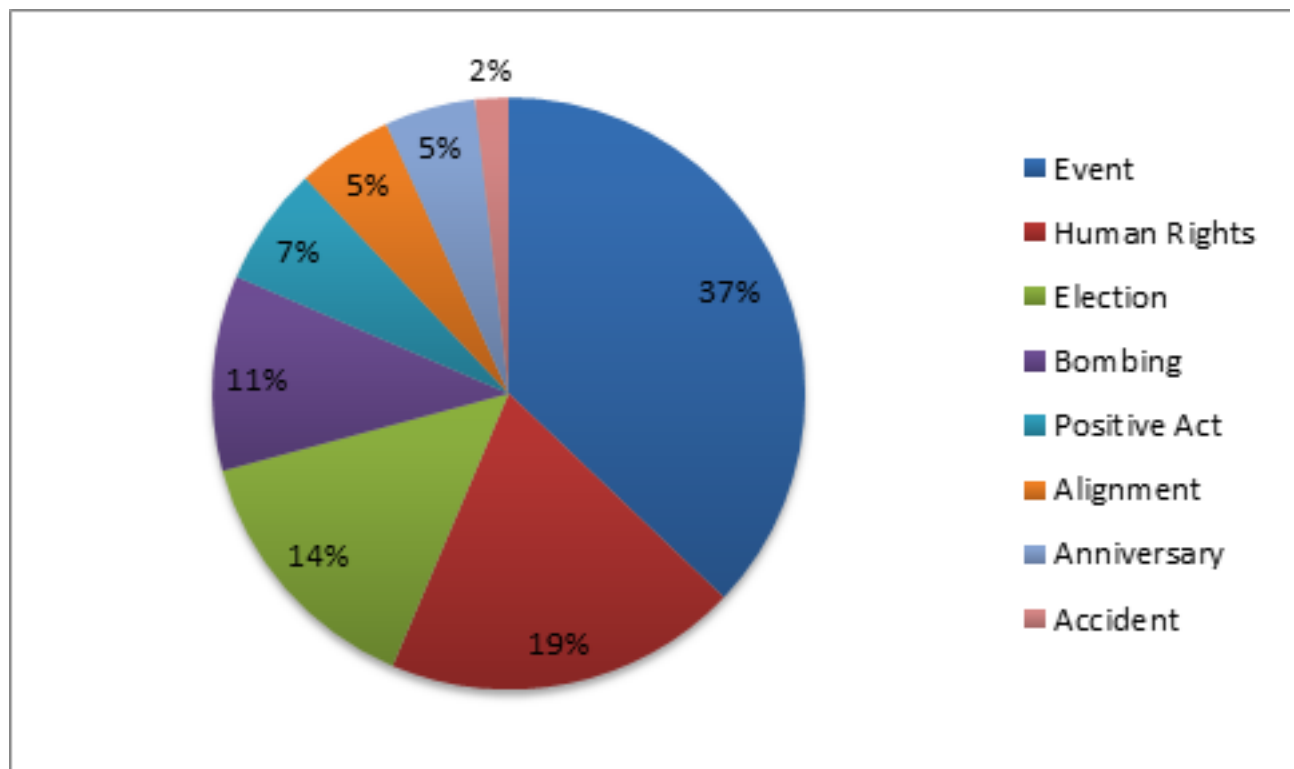
45 Statement by High Representative Catherine Ashton on the recent mudslides in China, 11 August 2010, ref: A158/10.

46 Joint Statement by EU High Representative Catherine Ashton and EU Trade Commissioner Karel De Gucht following the recent building collapse in Bangladesh, 30 April 2013, ref: A233/13.

47 Statement by the Spokespersons of the EEAS and the EU Commissioner for Humanitarian Aid on the landslide in Afghanistan, 3 May 2014, ref: 140503/03.

48 Statement by the spokesperson of EU High Representative Catherine Ashton on the destructive passage of Hurricane Sandy in the United States and Canada, 30 October 2012, ref: A482/12.

Figure 5: Percentage of the total High Representative's Declaratory Diplomacy according to the eight motives.



### THE TRIPLE OBJECTIVE OF THE DECLARATORY DIPLOMACY

The nature, the geography and the motives of the High Representative's declaratory diplomacy have been demonstrated. Hence, one final question still remains: Who is it for? At first sight, statements and declarations are made for the countries identified in the section on the geographical referent. However, the matter is more complex.

Actually, the declaratory diplomacy follows a triple objective. This triple analysis is an adaptation of Barber's model establishing a triple distinction for the international sanctions<sup>49</sup> and then recomposed and adapted to the European Union by De Wilde<sup>50</sup>. Indeed, the first objective concerns the target which is easily identified in the content of the statements and declarations. For the target, the objective matches one of the eight motives, which can serve as confidence building measures. The second objective focuses on the sender i.e. the European Union via its High Representative. The latter want to demon-

49 J. Barber, *Economic sanctions as a policy instrument*, 55 *International Affairs* 367-384 (1979).

50 T. de Wilde, *Les sanctions économiques comme moyens de politique étrangère*, in *La politique étrangère : le modèle classique à l'épreuve* (C. Roosens, V. Rosoux & T. de Wilde eds., Peter-Lang 2004).



strate a capacity to express its opinion, to at least say something and to move from silence to the words. This capacity of speaking appeases the public opinion and/or responds to internal demands from EU institutions or member states. Last but not least the third objective is related to a third party or to the international community. In this case, the sender wants to support the action of third parties or arouse their support, or also to remind *erga omnes* the principles driving the external action of the European Union, its objectives and his coherence.

The triple objective analysis takes place in one of the area of tension of the EU foreign policy between external and internal objectives. On the one hand, the first objective is obviously related to an external objective following one of the eight identified motives. On the other hand, the second objective follows internal objectives either an inter-relational one aiming at managing relations with some member states or with some EU institutions, either an identity one aiming at asserting the identity of the EU<sup>51</sup>. The third objective can be part of both external and internal objectives. Indeed, on the one hand, statements and declarations can be used for backing a third party or arousing support. In this case, the declaratory diplomacy relates to external actors, even if they are not explicitly mentioned. On the other hand, it contributes to develop the identity of the EU on the international stage. Indeed, reminding the objectives and principles of the EU is part of the internal objective. This triple analysis and its inherent tension between internal and external objectives demonstrate the complexity of the High Representative's declaratory diplomacy as an instrument of EU foreign policy.

## CONCLUSIONS

This presentation allows a better understanding of what is the High Representative's declaratory diplomacy. All along this paper, we presented elements of a response to the four research questions: Firstly, what is the nature of the High Representative's declaratory diplomacy? Secondly, what is its geography? Thirdly, what are the motives driving it? Finally, what are the objectives?

During her five years term, the High Representative C. Ashton issued 1573 statements and declara-

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51 S. Keukeleire & T. Delreux, *The Foreign Policy of the European Union*, 24, Palgrave Macmillan (2014).

tions. Actually, her declaratory diplomacy is more abundant than her predecessors, both the High Representative J. Solana and the rotating presidency for CFSP before the Lisbon treaty. While declarations are becoming less frequent, the High Representative issues mostly statements on her own or via her spokesperson. Joint statements are also use in some circumstances but never in a systematic way. In this regard, the early days of the Lisbon treaty offered some joint initiatives with European institutions or member states. Then, a routine emerged restricting the joint CFSP statements to the High representative and her colleagues from the Commission.

Furthermore, the High Representative's declaratory diplomacy touches on almost all countries of the world, with a few noticing exceptions. The High Representative's world declaratory diplomacy demonstrates the international interests of the EU and its will to spread an EU message to world. Hence, the EU via its High Representative is a diplomatic actor<sup>52</sup> and its declaratory diplomacy shapes the EU's profile as an international actor. The quantitative hierarchy between the world's regions still follows the same pattern than during the pre-Lisbon period, on the exception of the Middle East/ Gulf region and Eastern Europe and Central Asia. This climbing is due to an abundant declaratory diplomacy concerning the crisis of the "Arab Spring" and in Ukraine.

By essence, statements and declarations are a reaction to a current situation. However, the High Representative's declaratory diplomacy can be further conceptualized. Indeed, eight different motives for issuing statements and declarations can be isolated. Whereas some concern accidents or natural disasters or the alignment of third countries on EU restrictive measures, other refers to multiple anniversaries, or even to the adoption of legal/political acts considered as positive by the EU, the top trio of the motives is distributed as follows: the opinion or position on a current event or political situation, the position on human rights cases and finally the position on elections in third countries.

Finally, the declaratory diplomacy follows a triple objective concerning the target country, the EU itself and the international community. This triple objective takes place into an area of tension of EU foreign policy between external objectives i.e. the eight motives of the declaratory diplomacy; and internal

52 M. H. Smith, *The EU as a Diplomatic Actor in the Post-Lisbon Era : Robust or Rootless Hybrid?*, in *The European Union as a Diplomatic Actor* (J. A. Koops & G. Macaj eds., Palgrave Macmillan, 2015).



objectives. Those latter are either inter-relational i.e. managing relations with member states or EU institutions either identity i.e. aiming at asserting the identity of the EU.

In conclusion, by answering four connected research questions and offering quantitative data, this paper provides a cartography of the High Representative's declaratory diplomacy during C. Ashton's tenure and updates the knowledge on this instrument of foreign policy after the Lisbon Treaty. Besides the limits of such quantitative approach, it helps to apprehend this phenomenon. While the objective of this paper is to present a general review of High Representative declaratory diplomacy, it consequently left out some specific aspects such as the impact, the timing, the contribution to the CFSP, and finally the discretion of the High Representative. All of these aspects require further in-depth case studies.



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(cliquez pour y accéder)

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VANDAMME Dorothée, *Pakistan and Saudi Arabia: Towards Greater Independence in their Afghan Foreign Policy?*, Note d'analyse 33, août 2014

FERON Antoine, *The High Representative and China : assessing Ashton's style*, Note d'analyse 32, mars 2014

ROUSSEAU Elise, *Entre désintégration et reconstruction de l'Etat, la figure du seigneur de guerre somalien : les années 1990*, Note d'analyse 31, mars 2014

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